



# **Notice of Allowability**

Application No.

10/719,910

Examiner

M. A. Sager

Applicant(s)

CUMBERS, BLAKE

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## **-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to papers rec'd 11/21/03 and interview.
2. ☒ The allowed claim(s) is/are 1-28.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## **Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 11/21/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 6/21/07.
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Rob Phillips (40305) on June 21, 2007.

The application has been amended as follows:

Cancel claims 29-34.

### **REASONS FOR ALLOWANCE**

2. The following is an examiner's statement of reasons for allowance: combined steps of scanning player to acquire image data, transmitting acquired image data to a processor, said processor comparing said acquired image data to a library to determine if acquired image data correspond [matches] to data stored in library to identify player, if received acquired image data corresponds to identification data of a player in library, said processor determining whether said player is an undesirable, as particularly claimed, in combination with other claimed steps and features is deemed patentable over art. The scope of determining whether a player is an undesirable is not an initial indication/designation that a player is an undesirable such as a thief, cheat, criminal or under-age but rather is a determination based on a prior designation or indication stored in a matched player file. Thus the determination is a check within a located/matched player file whether that player was previously identified or designated as an undesirable (cheat, thief, compulsive gambler or under-age). The priority of claimed invention

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is filing date of instant application as will be more fully realized as to this reasoning with discussion below regarding cited Cumbers patents. Regarding patentability of claimed invention, for instance, Gormley discusses casino security maintaining a rogue library (4:57-5:16); however this is a manual review by security/personnel rather than by processor. Strisower discusses a surveillance system that permits transferring pictures (5:11-40) of player who has excessive losses (potential compulsive gambler), is a known criminal or person undesired in casino throughout establishment (so as to be removed presumably) but again this system appears to require personnel to manually discern whether person is undesired in casino from a surveillance image rather than a processor determination. Jones discusses a similar surveillance system requiring manual review but also discusses barring players after a documented number of infractions (4:38-5:7). Karmarkar, O'Conner and Wells each mention blocking children or enforcing age restrictions but this is not based on a determination based on information in a matched player file in manner claimed but rather is a determination based on a check of information provided by user. Takemoto alerts/notifies security when an illegal act is detected. Von Kohorn mentions system 900 prevents undesirable excesses and abuses as well as compulsive gambling and policing wagering and gambling among persons who have been otherwise disqualified such as criminals but does not clearly teach such lauded functions. Also, Office maintains anonymous player file does not distinguish over a player file as held in 10357832 and 10757652. Further, Franchi at least suggests anonymous player records. Finally, regarding prior Cumbers patents 7175528, 6783459, 6554705, 6234900 and 6142876, it is deemed non-obvious [as in not appropriate for a judicially created obviousness double patenting holding] to change the two step comparison disclosed by cited Cumbers patents to the claimed

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one step comparison with subsequent determination whether a player is an undesirable. Notably, the aforementioned subsequent determination is a check for a flag or indication within a located player file that matched the acquired image data that the player is an undesirable; while the cited Cumbers patents disclose a two step comparison in that a first comparison is compares acquired image data to a player library where if there is NO match a second comparison is done between acquired image and a security file to determine whether player is an undesirable. There is no teaching or suggestion in prior art to make a proper obviousness holding under either 103 statute or under judicially created obviousness double patenting.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

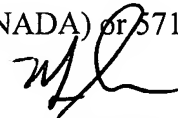
### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. A. Sager whose telephone number is 571-272-4454. The examiner can normally be reached on T-F, 0700-1730 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



M. A. Sager  
Primary Examiner  
Art Unit 3714

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